

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)
) CRIMINAL ACTION NO.
 v.) 2:17cr436-MHT
) (WO)
DONNELL MARICUS WOODS)

OPINION AND ORDER

This cause is before the court on the unopposed motion to continue made by defendant Donnell Maricus Woods. For the reasons set forth below, the court finds that jury selection and trial, now set for August 6, 2018, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant . . . reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Woods in a speedy trial. As the motion explains, Woods has recently been indicted

in the Circuit Court of Montgomery County, Alabama, for charges arising out of the same course of conduct as the instant case. The parties are currently working actively with Woods's counsel in the state case toward a universal resolution of both cases. The motion states that a resolution has nearly been reached, but that some additional time is necessary to allow the parties time to negotiate. A continuance is therefore warranted and necessary to allow the parties to reach a potential settlement, and to prepare adequately and effectively for the jury selection and trial in the event that a settlement is not reached.

The government does not object to a continuance.

Accordingly, it is ORDERED as follows:

- (1) The motion for continuance of defendant Donnell Maricus Woods (doc. no. 63) is granted.
- (2) The jury selection and trial, now set for August 6, 2018, are reset for September 4, 2018, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson

Jr. United States Courthouse Complex, One Church
Street, Montgomery, Alabama.

DONE, this the 18th day of July, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE